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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/753,307 | 12/29/2000 | Jerry Dwight Doty II | 2705-101 | 7831 |
| 20575 | 7590 | 02/24/2004 | EXAMINER | |
| MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205 | | | LE, KAREN L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2642 | |

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,307

Applicant(s)

DOTY ET AL.

Examiner

Karen Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's response filed on December 8, 2003. Claims 1-19 are now pending in the present application. **This action is made final.**
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 6, 9, 10-14 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bales et al. (U.S. 5,991,263).

Regarding claims 1 and 9, Bales teaches a method and a computer-readable medium for Switching active calls between entities (fig.1, item 111 and 112, item 101 and 102) on a network device (Fig. 1, switching system), the method comprising:

collecting information about a current call active on a first entity while the current call is still active (Fig. 1, item 111 and Col. 3, lines 4), initializing a second entity with the information while the current call is still active on the first entity (Fig. 1, item 112 or 109), switching the current call from the first entity to the second entity (Col. 3, lines 7-9); and releasing the first entity (Col. 2, lines 4-5).

Regarding claim 6, Bales further teaches initializing a second entity further comprises initiating a retain sequence on the second entity (col.5, lines 6-9).

Regarding claims 10 and 11, Bales teaches the computer-readable medium comprises a

downloadable file and image file uploadable into digital signal processor (Col. 4, lines 27-35).

Regarding claims 12 and 14, Bales further teaches a network device, comprising:

At least two means for handling active calls (Fig. 1, item 111 and 109);

A means for connecting the means for handling active calls with means for transmitting phone calls; and a means for switching active calls from a first means for handling active calls to another processing means for handling active calls without interruption, thereby eliminating any active calls on the first means for handling active calls (Col. 1, lines 59-Col. 4, lines 5).

Regarding claim 13, Bales further teaches the device of claim 10 wherein the controller is part of a processor located on one of the entities (Fig. 3, item 301).

Regarding claim 19, Bales further teaches the means for switching active calls further comprises a controller (Fig. 3, item 301).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bales et al. (U. S. 5,991,263) in view of Reine el al (6,347,093).

Regarding claims 2-4 and 15-18, Bales does not teach the entities are digital signal processors located within the same module, the entities are modules located on the same card, and the entities are cards in the network device. However, Reine teaches the entities are digital signal processors located within the same module, the entities are modules located on the same card, and the entities are cards in the network device (Col. 3, lines 61- Col.4 lines 2, and Col. 4, lines 38-49). Reine teaches a processing system capable of performing both modem processing on analog or voice originated calls as well as ISDN processing on ISDN-type telephone calls. The telephone data processing system can be of the type described as MICA Unit. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use MICA unit of Reine as entities of Bales.

6. Claims 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bales et al. (U. S. 5,991,263)

Regarding claim 5, Bales does not teach the steps of copying compression dictionary tables from the first entity and loading compression tables in the second entity. However, to achieve a high data rate data compression has always been introduced. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to compress and decompress data while transmission to have larger volume of data.

Regarding claims 7 and 8, Bales does not teach the information about a current call includes modulation and country code. Each country uses different carriers, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include type of modulation and country code to verify what type of carrier that country uses.

7. Claims 1, 9, 12 and 14 read on well-known feature.

Claims 1, 9, 12 and 14 are rejected because they read on a simple transfer of a phone call.

Claims 1, 9, 12 and 14 teach a method, a computer-readable medium and a network device for switching active calls between entities (entities can be agents in Automatic call distribution system) on a network device, the method comprising:

collecting information about a current call active on a first entity (first agent) while the current call is still active, initializing a second entity (second agent) with the information while the current call is still active on the first entity, switching the current call from the first entity to the second entity (transfer the call from first agent to second agent); and releasing the first entity (release the first agent).

Response to Arguments

8. Applicant's arguments filed on December 8, 2003 have been fully considered but they are not persuasive.

As to Applicant's Remarks, Applicant mainly argues that Bales does not disclose or

even suggest that call information is gathered while the call is still active, before failure and no preparation of a second entity is performed while the call is still active on the first entity. Bales does not also teach two processing means or processing entities for handling calls.

Examiner respectfully disagrees for the following reasons: Bales does disclose that call information is gathered while the call is still active (Col. 1, lines 59-67) and preparation of a second entity is performed while call is still active on the first entity (Col. 2, lines 1-5). Bales does switch active calls from failed entities to other entities within the group of communication network. Bale does prepare second entity by looking for idle entity or add new entity to the group of communication network while calls are still active in a predefined time. Bales also teaches two processing means for handling calls (Col. 3, lines 9-11). Each switch nodes of Bales' communication network are processing entities for handling calls.

For above reasons, Bales is maintained for supporting the enclosed Examiner's Final action.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

Hand-delivered responses should be brought to

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive

Arlington, VA 22202

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 703-308-4998. The examiner can normally be reached on Monday - Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

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KLL

Karen Le

February 20, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
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